

DEC 03 2009

Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISIONUNITED STATES OF AMERICA,  
Plaintiff,

v.

6.09 ACRES OF LAND, More or Less  
Situate in CAMERON COUNTY,  
STATE OF TEXAS; and  
ROLLINS M. KOPPEL, TRUSTEE,  
et al.,  
Defendants.§  
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Civil No. 1:08-cv-428

**ORDER**

The Court held a telephone conference in this matter on December 3, 2009. Pursuant to that conference, the Court issues the following findings and orders.

The Plaintiff's Motion for Protective Order and to Quash Deposition Notices (Docket No. 80) is DENIED. The United States is ORDERED to produce Loren Flossman and David Pagan for deposition in Washington, D.C., on a date to be agreed upon by the parties.

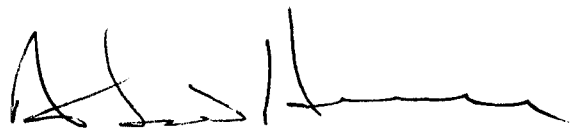
At a hearing on October 9, 2009, in another case, the Court gave the parties a proposed jury charge for all border wall just compensation cases pending before the Court. The United States is ORDERED to produce a copy of the draft jury charge to the Defendant, and both Plaintiff and Defendant are ORDERED to submit objections/suggestions/modifications/additions to that draft jury charge on or before December 31, 2009.

On or before December 11, 2009, the United States is ORDERED to produce to Defense Counsel a photograph(s) that match the description given by Mr. Scudder in his deposition of what the border wall may look like in the future including serpentine wire, cameras, and increased height. In addition, the United States is ordered to deliver a letter to Defense Counsel, with copy to the

Court, addressing the following issues; (1) whether the United States has any plans, either short- or long-term, to alter the fence on Defendant's property in any manner; (2) whether the United States plans to offer evidence at trial that the border fence has benefitted the property by increasing the security of the landowner's property after construction of the border wall; and (3) the United States' progress in gathering and producing any non-privileged information it has received concerning the impact the border wall has had on real estate development plans on any property starting one mile north and/or west of the defendant's property and ending at the Gateway International Bridge on International Boulevard. Finally, the United States is ORDERED to deliver to Counsel for Texas Southmost College a letter concerning whether construction of the border wall will impact a levee easement owned by Texas Southmost College.

Defendant Koppel is ORDERED to produce the work file of B.C. Prothero. Defense Counsel's request for records of illegal immigrant apprehensions or any other safety reports concerning Defendant's property is hereby conditionally DENIED.

Signed on this, the 3rd day of December, 2009.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

Andrew S. Hanen  
United States District Judge